

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS DEMOLFELTO,

Plaintiff,

ORDER

-against-

20 Civ. 1032 (NSR) (AEK)

NATIONAL RAILROAD PASSENGER CORP.
(AMTRAK),

Defendant.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

The Court is in receipt of Plaintiff's status update letter filed at ECF No. 53. **Discovery in this matter is now closed.** During the November 29, 2022 conference, the Court extended the deadline to complete discovery through January 20, 2023, and made clear that no further extensions would be granted absent extraordinary circumstances. This direction was memorialized in a minute entry issued following the conference. *See* Docket Sheet, Minute Entry dated 11/29/2022.

The parties' February 7, 2023 status report—which was filed only after the Court issued an order reminding the parties that they had failed to file this report as required by January 25, 2023—indicates that certain depositions have not been completed. Yet the February 7, 2023 submission does not request a further extension of the discovery deadline to complete these outstanding items, nor does it attempt to offer any “extraordinary circumstances” that would justify such an extension request.

With respect to the outstanding deposition of Amtrak's corporate designee, there is no explanation for why this deposition was not conducted in the more than 60 days since the November 29, 2022 status conference. Nor is there any particularly new or noteworthy

information in this letter regarding Plaintiff's attempts to serve and depose former Amtrak employees Virilus Cornelius and Jeremy Crutchfield. Counsel have been aware of the challenges with these former employees' depositions for many months—indeed, this matter was first brought to the Court's attention in October 2022, and has been addressed multiple times with the Court since then. At the October 28, 2022 status conference, the Court made clear the precise remedies available to enforce a properly served subpoena. To date, despite some effort, Plaintiff has not succeeded in completing the necessary steps to permit such enforcement, and has not suggested that he is anywhere close to completing these steps. Accordingly, this order hereby confirms that the time for completing discovery in this matter has concluded.

Absent further order from the Court, the parties should be prepared to proceed with their post-discovery conference on February 17, 2023 at 12:00 p.m. before Judge Román. *See* ECF No. 51.

Dated: February 7, 2023
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge